



**Subject:** RE: Netchoice v Paxton - Meet and Confer on Defendant's Motions

**Date:** Monday, October 11, 2021 at 6:41:08 PM Central Daylight Time

**From:** Courtney Corbello

**To:** Todd Disher

**CC:** Steve Lehotsky, Matt Frederick, Christopher Hilton, Thomas Ray, Benjamin Lyles, Benjamin Walton

Todd,

Thanks for the response. As my first email stated, the discovery requests will be sent to Plaintiffs' members, which I believe are a finite group of companies, however, let me know if that's incorrect. We believe, having looked at your pleadings and researched the law, that discovery is the most prudent course forward. I will note Plaintiffs' positions as you've provided them.

Just to be clear, the extension is solely as to the response to Plaintiffs' motion for preliminary injunction. No extension will not be sought on the deadline to answer or otherwise plead to Plaintiffs' complaint.

Courtney Corbello | Assistant Attorney General | General Litigation Division  
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**From:** Todd Disher <[todd@lehotskykeller.com](mailto:todd@lehotskykeller.com)>

**Sent:** Monday, October 11, 2021 4:33 PM

**To:** Courtney Corbello <[Courtney.Corbello@oag.texas.gov](mailto:Courtney.Corbello@oag.texas.gov)>

**Cc:** Steve Lehotsky <[steve@lehotskykeller.com](mailto:steve@lehotskykeller.com)>; Matt Frederick <[matt@lehotskykeller.com](mailto:matt@lehotskykeller.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Thomas Ray <[Thomas.Ray@oag.texas.gov](mailto:Thomas.Ray@oag.texas.gov)>; Benjamin Lyles <[Benjamin.Lyles@oag.texas.gov](mailto:Benjamin.Lyles@oag.texas.gov)>; Benjamin Walton <[Benjamin.Walton@oag.texas.gov](mailto:Benjamin.Walton@oag.texas.gov)>

**Subject:** Re: Netchoice v Paxton - Meet and Confer on Defendant's Motions

Courtney,

Thank you for your email this afternoon. As we mentioned during our initial discussion on September 28, it is our goal to have Plaintiffs' motion for preliminary injunction fully briefed by the end of October. We stated our intention of giving the Court enough time to hold legal argument and rule on the motion before the effective date of the law on December 2. As such, we stated that we would be willing to accommodate a request for a reasonable extension of Attorney General Paxton's response deadline to our motion. We were also willing to extend his deadline to respond to Plaintiffs' complaint until after the Court rules on the preliminary injunction motion.

We have not heard anything from you in the two weeks since that initial discussion, neither about scheduling nor about your desire to take third-party discovery. You have now waited until four days before the response is due to ask to serve overly broad discovery requests on an unknown number of third-parties. You also propose a two-month extension of the response deadline—making the response due after the effective date of the law being challenged by Plaintiffs' motion for preliminary injunction.

We are ready and willing to discuss these issues with you if you'd like. But since you sent us your

email with less than four hours to respond before your self-imposed deadline, if you still feel like you must file today, please indicate to the Court that Plaintiffs are willing to agree to a seven-day extension of the response deadline, but Plaintiffs are opposed to a 60-day extension. Plaintiffs are also opposed to the attached discovery requests being sent to an unknown number of third parties.

Regards,

Todd

**Todd Disher** | [LEHOTSKY KELLER](#) | [todd@lehotskykeller.com](mailto:todd@lehotskykeller.com)

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**From:** Courtney Corbello <[Courtney.Corbello@oag.texas.gov](mailto:Courtney.Corbello@oag.texas.gov)>

**Date:** Monday, October 11, 2021 at 1:19 PM

**To:** Todd Disher <[todd@lehotskykeller.com](mailto:todd@lehotskykeller.com)>

**Cc:** Steve Lehotsky <[steve@lehotskykeller.com](mailto:steve@lehotskykeller.com)>, Matt Frederick <[matt@lehotskykeller.com](mailto:matt@lehotskykeller.com)>, Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>, Thomas Ray <[Thomas.Ray@oag.texas.gov](mailto:Thomas.Ray@oag.texas.gov)>, Benjamin Lyles <[Benjamin.Lyles@oag.texas.gov](mailto:Benjamin.Lyles@oag.texas.gov)>, Benjamin Walton <[Benjamin.Walton@oag.texas.gov](mailto:Benjamin.Walton@oag.texas.gov)>

**Subject:** Netchoice v Paxton - Meet and Confer on Defendant's Motions

Hi Todd,

Defendant intends to file a motion to conduct expedited third-party discovery later today. I have attached discovery requests and deposition notices to be served on Plaintiffs' members that we will be proposing with the motion. Additionally, we will also file a motion to extend the deadline to respond to the preliminary injunction motion by 60 days, or December 14, 2021, in light of the discovery needs.

Could you please let us know Plaintiffs' position on both motions? Should I not hear from you by EOB today, I will mark Plaintiffs as opposed. Thank you.

Courtney Corbello | Assistant Attorney General | General Litigation Division  
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